

## DOCUMENT RESUME

ED 407 465

UD 031 701

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TITLE Employee Associations and Charter Schools.  
INSTITUTION National Education Association, Washington, D.C.  
PUB DATE 20 Sep 96  
NOTE 11p.; Paper presented at the National Policy Summit on Charter Schools (Denver, CO, September 1996).  
PUB TYPE Reports - Evaluative (142) -- Speeches/Meeting Papers (150)  
EDRS PRICE MF01/PC01 Plus Postage.  
DESCRIPTORS Academic Achievement; \*Charter Schools; Community Involvement; \*Educational Change; Educational Practices; Elementary Secondary Education; \*Professional Development; Standards; \*State Legislation; State Programs; \*Teacher Associations; Teacher Attitudes; \*Unions  
IDENTIFIERS \*National Education Association

## ABSTRACT

This report reviews the opinions of the National Education Association (NEA) and the approaches taken by and concerns of employee associations that are state affiliates of the NEA. The NEA supports the concept of charters if appropriate standards are upheld and appropriate practices are enforced. The energy and enthusiasm being brought to the creation of charter schools are promoting better student attendance and enhanced parent and community involvement, but the jury is still out on the issue of large-scale gains in achievement. The California Teachers Association has helped in the development of many charter schools, as have teacher associations in Colorado, Massachusetts, Michigan, Connecticut, and New Jersey. Charter school laws are being written in a political climate of assaults on collective bargaining, teacher tenure, and school funding. Critics of charter schools would have the public believe that teacher union concerns run counter to public concerns about charter schools, but this is not necessarily true. State affiliates of the NEA do have concerns about charter schools, and the NEA itself has developed a Charter School Initiative with the following central themes: (1) high levels of student achievement; (2) teacher development; and (3) community involvement. Some state efforts in keeping with this initiative are profiled. The NEA has developed an evaluation and inquiry plan to guide the assessment and documentation of the implementation of charter schools. The NEA intends to maintain its guardian role with reference to legislation and implementation as it acts as a player in the charter schools movement. An attachment presents the "NEA Statement on Charter Schools." (SLD)

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## NEA Center for the Advancement of Public Education

### "Employee Associations and Charter Schools"

### National Policy Summit on Charter Schools

**Denver, Colorado**

**September 20, 1996**

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### ***NEA on Charter Schools***

NEA supports the concept of charters, with standards: first and foremost, charter schools must retain their public nature—equal access; serve needs of all students; use professional educators; involve staff in design, implementation, and governance; be publicly accountable to larger community; as public schools, charter schools should offer same rights and benefits as other public school employees (in other words, don't use them to create a two-tiered system of wages and benefits within a district); appropriate procedures for assessment and evaluation of student achievement and the schools. (NEA's statement, resolution and criteria on charter schools is attached.)

On the whole, it is too early to tell whether charter schools will be successful at reaching the goals desired by the public and policy makers supporting the schools. What we do know so far is that many of the charter schools being created, especially brand new schools, are very small—with fewer than 300 students. Most charter schools also have higher levels of parent participation than do traditional public schools. Charter schools are promoting some innovation in teaching such as developmental education, mixed-age groups, multicultural curricula and alternative assessments, but many offer back-to-basics or academically-focused instruction available in other traditional public schools.

The energy and enthusiasm being brought to the creation of charter schools, and in some cases, the non-traditional structures and governing mechanisms they often engender are prompting better student attendance and enhanced parent and community involvement in many instances. But the jury is still largely out on the issue of large-scale gains in achievement. We know that for many students, charter schools are offering diverse learning environments and often small schools which can offer a more individualized learning atmosphere. And even the most vociferous charter proponents acknowledge that accountability measures for charter schools must be tightened by the states.

### ***NEA State Affiliate Approaches***

**California Teachers Association:** Have helped many “conversion” charters—existing public schools that became charters—with developing their charter petition, and subsequently, their charter, to ensure employee benefits, sound fiscal practices, and strong accountability. Have also worked to keep the cap on the number of charters allowed to be developed until adequate assessment has been done on the initial 100 schools allowed to be created under the current law. There are a number of conversion charter schools in California that seem to offer promise for creating innovative schooling opportunities for students and faculty, and which may prove to be models for new approaches to collective bargaining. It should be noted also that during the 1995 teacher strike in San Diego, faculty from a number of charter schools, several of them not covered under the San Diego Teachers Association contract, nevertheless went out on strike.

**Colorado Education Association:** CEA played an active role in helping shape the state's charter legislation, and monitor ongoing charter formation. Local associations have a say in charter approval process.

**Massachusetts Teachers Association:** Law written when comprehensive education reform legislation moved. This was priority for the affiliate. MTA's contention is that Massachusetts charter schools are private entities with public funds. There is no local oversight; no democratic representation required of charter school's board. Local school committees have no say in whether charter schools will form in their districts, but funding for the charter comes directly from district level coffers.

**Michigan Education Association:** Initial writing, union largely closed out of process; law written at time of assault on union, bargaining, tenure. MEA was instrumental in bringing about litigation that eventually found the first charter law unconstitutional. This lawsuit subsequently shaped the rewriting of the current charter school law. MEA has charter school task force; monitors charter development and implementation.

**Connecticut Education Association** helped to write charter law passed earlier this year. **New Jersey Education Association** worked with bipartisan group of legislators in enacting the 1995 charter law; **Illinois Education Association** also worked helping write the law. State affiliates were also actively engaged in the charter process in Arkansas, Alaska, Wyoming, Rhode Island, Georgia, Florida, North Carolina, South Carolina, Wisconsin and Delaware.

### ***Charter Laws: Political Context***

Charter laws are being written within a political climate of assaults on collective bargaining, teacher tenure, school funding—all issues that unions have fought hard for over the years. How do people expect the associations to respond? Unions have become expert at making gains for school employees in areas to which they have been relegated by law. Don't forget, it was the courts in the 1970s which diminished the scope of bargaining for teachers. NEA affiliates have been engaged in an ongoing struggle for many years to expand teacher responsibilities in the area of professional issues.

Critics would have the public believe that the only role of unions in charter legislation process is protectionism of teacher contracts. A perusal of NEA's standards and criteria show otherwise.

One researcher acknowledges the broader role: Eric Roffes of the University of California at Berkeley recently wrote: "In most states, teachers' unions can be credited with forcing policymakers to craft charter legislation which deters "creaming," or providing preferential admissions to academically talented students." (from "The Courage of Our Contradictions," *Rethinking Schools*, Spring, 1996.)

Critics would also have the public believe that union concerns run counter to public concerns about charter schools. We have one survey that shows something different. When asked "In your opinion, should charter schools be required to hire teachers who are certified and licensed by the state or should charter schools be allowed to hire anyone they want?", seventy-nine percent of 500 Connecticut voters surveyed responded that they felt only licensed and certified teachers should be hired. Ten percent said that they should be able to hire anyone they want. (survey completed by Abacus Associates in January, 1996).

## **Charters—or Vouchers?**

Let's also not forget that charter laws being written at the same time that the push for vouchers is becoming relentless. And while some charter proponents draw the line in the sand between vouchers and charters, others do not. For example, a leading voucher-promoting organization, TEACH-Michigan, has pumped a great deal of money and resources into passage of that state's charter law and into helping groups create charter schools.

Former state Senator Gary Hart, author of California's charter school law said, "There are many people who are conservative who view this [charter schools] as one more step toward vouchers, and there are many people in the middle or on the left who view this as a way to help preserve a system that has served our country in many positive ways..their ultimate goals in terms of what they want to see as an educational system influence their views on this." (from "Underlying Policy Assumptions of Charter School Reform: The Multiple Meanings of A Movement," Amy Stuart Wells, Cynthia Grutzik and Sibyll Carnochan, UCLA Charter School Research Project, 1996)

Roxane Premont, of the North Carolina Education Reform Foundation, a policy group supporting vouchers, prepared a paper for presentation before the 1996 Christian Coalition's Road to Victory meeting in Washington, D. C. She stated: "The idea of vouchers has been around since the 1950s...many of us have labored hard...despite this, the strategies we have been using...are not working. Most of these strategies have focused on directly moving to vouchers...what is called for is an incremental strategy that helps acclimatize the public to school choice readying them for phase 2 -- vouchers. Converting all current public schools to charter schools is the necessary transition." ( from "A Proposal for Converting Every Public School to a Charter School—A Strategy for Ultimately Converting to a System of Vouchers".)

In November, 1996, voters in Washington State will be voting on two voucher initiatives, one of which is masquerading as a charter initiative. The so-called charter initiative would essentially allow voters in school districts to vote to convert their public schools to "independent" charter schools, subject only to the rules and regulations to which the state's private schools are now subject.

Clearly, moving to a system of students carrying public school dollars with them as they do through most charter set-ups greases the wheels of the move toward making publicly-funded vouchers for private and religious schools a potential reality. Policymakers need to be aware of this possibility, and need to address these issues. Ultimately, the lives of thousands of American children who may not choose to attend any other than their neighborhood public school could be dramatically affected.

## **NEA State Affiliate Concerns**

**Massachusetts Teachers Association:** The law allows the local school committee no say whatsoever in charter approval, but funding for charter schools comes directly from district coffers. Private companies receiving charters are allowed to trademark materials developed by their staffs, thus expressly forbidding sharing with other educators. Is this in

keeping with the public nature of charter schools? How is this particular charter going to help improve the public education system?

Charter schools in Massachusetts have a lower proportion of children with learning disabilities/special needs enrolled in them than do other public schools in the state. Parents with children needing special education have been “counselled out” of several charter schools in the state. A disability rights group reports having filed cases on behalf of numerous students enrolled in Massachusetts charter schools whose rights have been not been met.

The Massachusetts reform law, passed several years ago, required all teachers to recertify every five years—at their own expense. Yet the charter law does not require certification for its teachers. What’s the message here for that state’s public school teachers?

And again, in Massachusetts, one charter proposed for elementary students called for a per-pupil allocation of \$6,400, the district average, even though other elementary schools in district were allocated only \$4,500. Is this fair to other elementary school students in this district?

The right-wing Pioneer Institute recently reported that existing public schools did not suffer fiscal harm from charter formation because the state reimbursed those districts with low tax bases. Though the legislature finally agreed on state reimbursement, the governor, who opposes such reimbursement, refused to approve language that would have made it statutory. Clearly, local districts will have to battle for funds transferred from students in their traditional schools to those in charter schools every year.

**Colorado Education Association:** CEA reports that many charter schools in the state, especially new start-up schools, are paying teachers less than half the average salary of other teachers in the same district in which the charter school is located. Also, some charter schools in Colorado specifically prohibit their school staff from forming a union. While this may be illegal in and of itself, the charters are still being approved. Many charter schools have had difficulty with governance issues in Colorado, and a number of the schools have no staff representation on their governance council.

I might add here that our affiliates are not the only organizations concerned about these issues. At the local level, civil rights groups are expressing concerns -- the Multicultural Coalition for Quality Education representing language minority populations in Somerville, Mass., opposed Sabis Co. running a charter because they refused to provide bilingual instruction. The NAACP in Virginia opposed charter legislation last year because they feared it would legally resegregate Virginia’s schools. By the way, the Virginia Education Association actually supported this particular charter bill.

For NEA, charter schools should be a way to free-up public school educators to do what they can do best -- to allow them, in concert with parents and community members, to be freed from rules and that inhibit effectiveness and innovation.

NEA does not believe that charter schools should be designed to set up a parallel system of public schools which can operate outside the accountability and democratic principles guiding other public schools.

That’s why we’re encouraging our affiliates to play an active role in shaping both legislation and the schools themselves.

### **NEA Work on Charters.**

Our main activities on the charter front include advice to our affiliates regarding legislation, promoting our criteria in development of the laws; technical assistance to states with charter laws—this beginning in 1993 -- training with Georgia affiliate as soon as charter law passed.

NEA has encouraged its state and local affiliates to work with those creating charter schools, and to lend assistance to members interested in creating them.

One way we're doing that is through technical assistance to affiliates and members through the Center for the Advancement of Public Education.

Another way is through our **Charter Schools Initiative**, one of NEA's 6 major restructuring initiatives.

NEA's Charter Schools Initiative (CSI) is a demonstration project from which other public schools can learn. Schools associated with CSI will become a source of ideas for NEA and its affiliates; public policymakers, teacher-educators.

### ***Three Central Themes Driving CSI***

#### **Student Achievement:**

- all students will achieve at high levels;
- dominance of the bell curve will diminish
- content and process of student assessment will be consistent with school's purpose
- faculties will be accountable for student learning

#### **Teacher Development**

- development of improved teaching methods central to work of faculty
- pedagogy will be consistent with student learning characteristics and curriculum
- new forms of teacher leadership will be explored

#### **Community Involvement**

- parents involved in school in important ways; new, innovative ways found to make involvement of all parents possible
- citizens will know about school and develop feelings of ownership
- community will be a resource to the school; school will be resource to community.

### **NEA CSI Sites**

**Hawaii:** Elementary school on Oahu: using Deming Total Quality Management principles; very engaged community and faculty. The Hawaii State Teachers Association has been actively engaged in this process.

**California:** In San Diego, the San Diego Teachers Association has brought together teacher members from existing charter and traditional schools, parents, university staff from San Diego State University in a plan to create a K-12 inner city school that will offer a broad range of social services, as well as guarantee graduates either a job or entrance to college.

**Arizona:** The Arizona Education Association is working with members and community stakeholders to create a middle school in the Phoenix area that will focus on Hispanic youth who drop out between junior/senior high. AEA is working with Arizona State University's teaching program to make it a professional development school.

**Colorado:** Renaissance Charter High School -- Spearheaded by Colorado Springs Education Association. The school, that will operate starting in the fall of 1997 as a separate school within an existing high school, will focus on character development and the arts, with broad adult involvement—parents, guardians, mentors for students. Adults will be learners at the school as well. The school's founding committee has broad representation from the larger Colorado Springs community.

**Georgia:** Woodland Middle School, outskirts of Atlanta. The Georgia Association of Educators is working with this school to boost achievement for low-performing students, the majority of whom come from families that are low income. School staff hope to use the charter to help re-create school instruction, curriculum and decision-making process to boost student achievement.

**Connecticut:** The Integrated Day School of Norwich was approved for charter status early in 1997. The school, which allows students to work with one teacher for several years in a row, expands a program in existence in the Norwich school district for nearly a decade. The Connecticut Education Association has actively engaged in helping members organize.

### **Highlights—NEA Technical Assistance**

NEA gives each CSI site the kinds of support it feels it needs. NEA, and each state and local affiliate participating in the project provides a liaison staff person who will consult on:

- 1) nature of educational ideas
- 2) student and program assessment
- 3) resources for planning
- 4) assistance in writing/acquiring the charter
- 5) assistance in establishing sound fiscal policies and practices
- 6) help in defining conditions of employment, including problem-solving, decision making, etc.
- 7) assistance, as needed, in determining student transportation needs
- 8) help in establishing strong ties with parents, communities
- 9) assistance in developing effective public information
- 10) help in determining how learnings will be shared with other public schools

### ***Highlights: CSI Inquiry Plan***

Because NEA's main goal is to learn from this project, we have developed a detailed inquiry plan that will guide the assessment and documentation of the schools and the processes through which they are formed that are being evaluated by a team of researchers from UCLA. The inquiry plan deals with the following broad topic areas:

- 1) student learning and pedagogy
- 2) community collaboration
- 3) accountability and governance
- 4) collectively bargained agreements
- 5) funding mechanisms and start-up funding
- 6) informing district, state, national improvement efforts
- 7) productive affiliate partnerships
- 8) what/who does it take to create a new school

### **Conclusions**

NEA has concerns about charter schools and legislation. We intend to maintain our guardian role re: legislation and implementation. We think there are many fine people engaged in building charter schools throughout the country. Many of them are members of NEA and its state and local affiliates. We are also concerned that there are ideologically driven, well-funded organizations who intend to use the charter tool to further their larger political agenda of privatizing our public education system through vouchers.

NEA will also continue to be a player in charter movement. There are critics on the right who understand that without a strong voice in keeping charter schools public schools, in insisting on professional educators in every classroom, in assuring that charters not promote greater segregation and stratification of our student populations, that charters could essentially become private schools with public funding, with the public battle over vouchers quietly subsumed. Thus their vehement criticism of NEA and state affiliate responses to charters and their denigration of our Charter Schools Initiative and our other charter activities. These critics are essentially saying that the charter movement has no place for professional educators who choose to belong to an association. We say they are dead wrong.

We will continue to work to ensure that charter schools remain public schools that work to achieve the highest of standards for students while keeping their accountability to the larger taxpaying public.

### ***Attachments***

## NEA STATEMENT ON CHARTER SCHOOLS

NEA supports education reform mechanisms within the public schools that promote rigorous learning standards, decentralized and shared decision making, diverse educational offerings, and the removal of onerous administrative requirements. NEA believes that such reform has the greatest possibility of taking root when it is initiated and nurtured at the local level — not imposed from above.

Charter schools can become change agents within public school systems by charting new and creative ways of teaching and learning. Or they can allow unprepared people to start schools and undermine education. Whether charter schools are a positive or negative force depends on how state charter laws are written and applied.

The variety of charter proposals under debate militates against one simple definition of a charter school. In fact, the nomenclature is less important than clarity on the requisite charter school attributes. At the 1993 Representative Assembly, the NEA delegates considered and passed a resolution (printed on the next page) establishing the Association's position on charter schools. The resolution sets forth a framework to ensure that charter schools will be consistent with this country's commitment to free and universal public education with equality of educational opportunity for all. Charter school plans must meet the following conditions:

- No negative impact on the regular public school program
- No diversion of current funds from public schools
- Voluntary staff and student assignment to charter schools
- Direct involvement of all affected school employees in the charter school's design, implementation, and governance
- Adequate safeguards covering contract and employment provisions for all employees
- Appropriate procedures for assessment and evaluation at preestablished periods within the term of the charter
- Licensed professional staff
- Health and safety standards for all students and employees
- Nondiscrimination and equal educational opportunities
- Adequate safeguards to ensure fiscal accountability
- Adequate and equitable funding, including start-up monies
- Equitable procedures on student admission and retention
- Appropriate safeguards to ensure against racial and ethnic segregation

**Resolution A 26. Charter Schools**

The National Education Association supports innovation in public education. The Association believes that when concepts such as charter schools or other nontraditional school options are proposed, all school employees must be directly involved in the design, implementation, and governance of these programs.

The Association further believes that plans should not negatively impact the regular school program and must include adequate safeguards covering contract and employment provisions for all employees, voluntary participation, health and safety standards for all students and employees, nondiscrimination and equal educational opportunity, staffing by licensed professional staff, and financial responsibility. Programs must be adequately funded, must include start-up monies, must not divert current funds from the regular public school programs, and must contain appropriate procedures for regular periodic assessment and evaluation. (93)

**New Business Item 1994-90. Counseling and Other Student Services**

In the event that public chartered schools are implemented --

- The National Education Association will advocate and support the hiring of licensed/certified counseling personnel.
- NEA will actively support efforts to require the presence of all vital student services.



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## I. DOCUMENT IDENTIFICATION:

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Employee Associations and Charter Schools

Author(s): Andrea Di Lorenzino

Corporate Source:

National Education Association

Publication Date:

Sept. 20, 1996

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